



Security Council

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Note verbale dated 9 July 2015 from the Permanent Mission of Sao Tome and Principe to the United Nations addressed to the Chair of the Committee

The Permanent Mission of Sao Tome and Principe to the United Nations presents its compliments to the Chair of the Committee established pursuant to resolution 1540 (2004) and has the honour to submit herewith a report on the implementation of resolution 1540 (2004) by the Government of Sao Tome and Principe (see annex).

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Annex to the note verbale dated 9 July 2015 from the Permanent Mission of Sao Tome and Principe to the United Nations addressed to the Chair of the Committee

Report of the Government of Sao Tome and Principe on measures taken to implement Security Council resolution 1540 (2004)

The Democratic Republic of Sao Tome and Principe presents its first report on the measures it has taken and intends to take to implement Security Council resolution 1540 (2004).

The Democratic Republic of Sao Tome and Principe is available to provide any additional clarification.

The Democratic Republic of Sao Tome and Principe considers acts of international terrorism and the use of nuclear, chemical and biological weapons as a scourge to mankind, and is committed to taking possible steps to improve channels of cooperation at bilateral, regional and multilateral levels.

Whereas up to now the Democratic Republic of Sao Tome and Principe has enjoyed an economic and social environment free of terrorist threats, it remains aware of potential risks and threats arising from the increase in global and regional trade security issues.

The Democratic Republic of Sao Tome and Principe does not possess nuclear, chemical or biological weapons, nor their means of delivery, and is committed to the disarmament and non-proliferation of such weapons nationally, regionally and globally.

Paragraphs 1 and 2

The Democratic Republic of Sao Tome and Principe does not provide any support to non-State actors attempting to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons or their means of delivery.

In support of these non-proliferation and related security objectives, the Democratic Republic of Sao Tome and Principe is a State party to the following multilateral arms control and non-proliferation treaties and conventions:

- 1972 Biological Weapons Convention
- 1993 Chemical Weapons Convention
- 1968 Treaty on the Non-Proliferation of Nuclear Weapons

The Democratic Republic of Sao Tome and Principe is a signatory to the Comprehensive Nuclear-Test-Ban Treaty and also to the African Nuclear-Weapon-Free Zone Treaty (Pelindaba Treaty). The Democratic Republic of Sao Tome and Principe will consider their ratification.

Additionally, the Democratic Republic of Sao Tome and Principe is a State party to 10 of the 19 international conventions and protocols on counter-terrorism; those relevant to resolution 1540 (2004) in particular include the following:

- 1997 International Convention for the Suppression of Terrorist Bombings

- 1999 International Convention for the Suppression of the Financing of Terrorism
- International Convention for the Suppression of Acts of Nuclear Terrorism (signatory)

It is to be noted that the Government of Sao Tome and Principe plans to sign and ratify a safeguards agreement with the International Atomic Energy Agency as part of its obligations under the Treaty on the Non-Proliferation of Nuclear Weapons. It will also consider signing and ratifying a small quantities protocol and the Additional Protocol to the Treaty.

In accordance with the Constitution of Sao Tome and Principe, the treaties and conventions to which the Democratic Republic of Sao Tome and Principe is a State party have become part of national law; however, additional legislative or regulatory action is required for further implementation.

Legislation contributing to the implementation of resolution 1540 (2004) includes the Penal Code (approved by Law No. 6/2012), in particular the following articles, which also provide for penalties:

- 321 and 322, prohibiting the exposure of persons (321) and things (322) to radioactive substances
- 323, prohibiting the release of toxic or asphyxiating gases
- 324, prohibiting the manufacture, acquisition, delivery, possession or import of explosives and the manufacture of toxic asphyxiating gases, as well as apparatuses to carry out the crimes indicated in articles 321 and 322
- 333, prohibiting the use of poisons or other harmful substances that contaminate water
- 337, prohibiting the spread of contagious disease to persons
- 338, prohibiting the spread of disease, plague, etc., that cause damage to animals, field crops, plantations or forests
- 359, prohibiting (terrorist) organizations intending to produce a common danger through the release of radioactive substances or toxic or asphyxiating gases, contamination of food and water for human consumption or spread of epidemics
- 360, prohibiting acts of terrorism, including those indicated in article 359
- 375, prohibiting the manufacture, storage, purchase, sale, acquisition, distribution, transport, holding or use of prohibited weapons, devices or explosive substances or substances capable of producing nuclear or radioactive explosions or suited to the manufacture of toxic or asphyxiating gases.

Additionally, Law No. 8/2013 on preventing and combating money laundering and terrorism financing contains relevant provisions. The law updated and amended the provisions of Law No. 15/2008 and Law No. 9/2010 (both repealed by article 55) to give effect to 40 recommendations of the Financial Action Task Force; two recent recommendations concerning non-proliferation will be considered in future legislation. The Democratic Republic of Sao Tome and Principe underwent a mutual evaluation by the Intergovernmental Action Group against Money Laundering in West Africa in May 2013 relating to the fight against money laundering and financing of terrorism.

Reference is also made in Law No. 8/2013 to related or predicate offences, in particular crimes including terrorism and its financing, counterfeiting, trafficking of weapons or nuclear products.

Law No. 15/2008 contained a provision to create the Financial Intelligence Unit subsequently established by Law No. 60/2009. Located in the Ministry of Finance, it began operating in 2009; it is responsible for receiving reports of suspicious financial transactions. The Democratic Republic of Sao Tome and Principe has also applied to become a member of the Egmont Group of Financial Intelligence Units.

It is also important to underline the close cooperation between the different national institutions, such as the National and Judiciary Police as well as the Prosecution Service, in dealing with the issues of terrorism and non-proliferation.

The Democratic Republic of Sao Tome and Principe also has an interministerial Committee of National Emergencies to respond to national crises, such as a natural catastrophe, an epidemic or a national security incident. Its members include the ministries of the interior, civil protection, defence, health and foreign affairs. Its processes and networks of communication could also be used to respond to security incidents pertaining to resolution 1540 (2004).

Efforts have been made to train people to deal with these realities; such training includes, for example, the civil protection training provided under the auspices of the Organization for the Prohibition of Chemical Weapons (OPCW).

Paragraph 3

National Authority

The Democratic Republic of Sao Tome and Principe has created a National Authority to implement the Chemical Weapons Convention and maintain contact with OPCW, and is in the process of expanding it to include implementation requirements of all arms-related treaties so as to harmonize efforts and improve economies of scale.

The National Authority is currently located at the Ministry of Foreign Affairs and Communities in cooperation with the Ministries of Defence and of the Interior.

Members of departments in the Ministry of Civil Protection participated in OPCW seminars on protection and emergency training hosted by Brazil, Portugal and the Netherlands in 2013 and by South Africa in 2014.

The Department of Pharmacy and Drugs in the Ministry of Health is responsible for the registration and licensing of the import and export of poisons and medicines pursuant to Law No. 52/1998. The Democratic Republic of Sao Tome and Principe also has a national strategic plan for 2014-2018 for the pharmaceutical sector.

The Democratic Republic of Sao Tome and Principe is also implementing the International Health Regulations of the World Health Organization.

In the customs and law enforcement area, Decree Law No. 39/2009 contains provisions for the import, export, transit and trans-shipment of cargo that would contribute to the implementation of resolution 1540 (2004). Customs has authority over the storage of warehoused goods that eventually enter the country.

Within our constraints, we intend to consider measures to support institutions and entities which may have a role in securing and protecting chemical and biological items during their production, use, storage, disposal and transport, including during transit and trans-shipment.

For technical support to customs officials at the borders, the Automated System for Customs Data (ASYCUDA World) is used for risk profiling and assessment, including the monitoring of 14 chemical precursors associated with the Chemical Weapons Convention that have their own codes in the Harmonized Commodity Description and Coding System.

Decree 40/99 prohibits the import and export of plants without a phytosanitary certificate. The law also established the Centre of Agronomic Research and Technology within the Ministry of Agriculture. The Centre is the only institution to provide such certificates. The Centre is also mandated to cooperate with Customs and the Directorate of Public Health.

Notwithstanding cooperation on national security issues, the work of the tax police with Customs is mainly about issues related to tariff controls and not to the control of criminal activities.

The Coast Guard is concerned with sea defence, surveillance of criminal activities along the coast, surveillance for national defence and security, and maritime safety. The Democratic Republic of Sao Tome and Principe is also implementing several instruments of the International Maritime Organization, such as the International Ship and Port Facility Security Code.

Paragraph 7

Assistance in this matter has been assured greatly by multilateral efforts, including those of OPCW and a number of other entities and specialized agencies of the United Nations.

In February 2015, the Ministry of Foreign Affairs and Communities of the Democratic Republic of Sao Tome and Principe agreed to the process for preparing and submitting this first report on the implementation of resolution 1540 (2004). Such processes would also be considered with regard to assistance with further implementation of the resolution and related conventions and treaties.

Point of Contact

Pursuant to paragraph 5 of resolution 1810 (2008) and paragraph 13 of resolution 1977 (2011), Sao Tome and Principe provides the following point of contact for communication with the Committee established pursuant to resolution 1540 (2004):

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